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National Collegiate Student Loan Trust 2006-3

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA (SAN DIEGO)**

In re

Cesar Medina and Krystal Anne Medina,

Debtors.

Krystal Anne Medina,

Plaintiff.

vs.

National Collegiate Student Loan Trust 2006-3,

Defendant.

Bankruptcy Case No. 17-05276-LT
Chapter 7
Honorable Chief Judge Laura S. Taylor

Adversary Proceeding No. 19-90065-LT

**EX PARTE MOTION TO FILE
DOCUMENT UNDER SEAL**

Now comes Defendant, National Collegiate Student Loan Trust 2006-3 (“NCSLT”), by and through counsel, and hereby requests an order allowing it to file a confidential document under seal. For its motion NCSLT provides as follows:

1. NCSLT filed a Motion for Summary Judgment on January 9, 2019.
2. Within its Motion for Summary Judgment NCSLT filed a redacted “AMENDED AND RESTATED GUARANTY AGREEMENT BETWEEN THE EDUCATION RESOURCES INSTITUTE, INC. AND BANK ONE, NATIONAL ASSOCIATION” as Exhibit B. This document was filed with the Securities and Exchange Commission as a public document.

1 3. The publically filed document with the Securities and Exchange Commission did
2 not contain various schedules as they are deemed proprietary and confidential.

3 4. NCSLT would like to file this confidential document under seal and as part of its
4 Exhibit B as identified in its Motion for Summary Judgment.

5 5. Bankruptcy Code 11 U.S.C. § 107 states:

6 (a) Except as provided in subsections (b) and (c) of this section and subject to
7 section 112, a paper filed in a case under this title and the dockets of a
8 bankruptcy court are public records and open to examination by an entity at
9 reasonable times without charge.

10 (b) On request of a party in interest, the bankruptcy court shall, and on the
11 bankruptcy court's own motion, the bankruptcy court may-- (1) protect an entity
12 with respect to a trade secret or confidential research, development, or
13 commercial information; or (2) protect a person with respect to scandalous or
14 defamatory matter contained in a paper filed in a case under this title.

15 6. Federal Rules of Bankruptcy Procedure Rule 9018 also provides that "[o]n
16 motion or its own initiative, with or without notice, the court may make any order which justice
17 requires (1) to protect the estate or any entity in respect of a trade secret or other confidential
18 research, development, or commercial information ..."

19 7. This motion is being brought pursuant to Southern District of California local
20 rule 9013-3(f) which provides that motions and applications not requiring notice include
21 "Motion under FRBP 9018 to file Document under seal, except that service on the U.S. Trustee
22 is required..."

23 8. For the foregoing reasons, NCSLT requests that its motion to file Exhibit B
24 containing the proprietary and confidential information under seal be granted.
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Respectfully Submitted,

Weltman, Weinberg & Reis Co., L.P.A.

Dated: January 9, 2020

/s/ Scott S. Weltman
SCOTT S. WELTMAN, ESQ. (SBN 145215)